

REMARKS

The title was objected to by Examiner as being non-descriptive. The title has been amended per Examiner's suggestion.

Examiner asserted that the Oath / Declaration failed to identify the mailing address or post office of each inventor. A copy of the originally filed Declaration is attached hereto as Exhibit A. Please note that each of the three inventors signed a separate page of the Declaration, but that the residence address of each inventor is identified below their signature. Applicants believe that the Declaration fully complies with 37 C.F.R. 1.33(a) and respectfully request clarification of Examiner's objection.

The drawings were objected to on the basis of missing reference numerals. These and other informalities have been corrected in the proposed Formal Drawings submitted herewith.

Claim 1 was rejected as being anticipated by U.S. Patent No. 5,995,947 to Fraser et al. ("Fraser"). Applicants respectfully traverse the rejection as follows.

Claim 1 requires "exposing to the broker a set of one or more generic mortgage lender profiles." Examiner has asserted that this element is disclosed in Fraser at col. 15, lines 8 – 14 and Figure 2. Applicants have carefully reviewed the cited portions of the reference and find no teaching or suggestion of "generic mortgage lender profiles." Rather, the cited portions discuss "entering bids on a loan application" and reviewing the "status of loan applications."

While Applicants agree that the bids and loan applications discussed by Fraser are relevant (although not necessary) to the mortgage brokerage process, nothing in the cited portion teaches or suggests "generic mortgage lender profiles." As is clear from Applicants' disclosure, neither a loan application nor a bid on a loan application is a generic mortgage lender profile. As such, Fraser fails to teach or suggest the claim element and the rejection of claim 1 should be reconsidered and withdrawn.

Claim 1 also recites "responsive to entry by broker of given data, applying a given generic mortgage lender profile to the data to identify a set of one or more specific wholesale lenders

who meet criteria specified in the given data.” Examiner has asserted that Fraser’s col. 15, lines 15-21 and Figure 2 disclose this element. As discussed in the preceding paragraphs, however, Fraser provides no teaching or suggestion of “generic mortgage lender profiles” and hence cannot teach or suggest “applying” any such profile because none are taught.

Furthermore, Applicants have carefully reviewed the cited portions and respectfully submit that they find no teaching or suggestion in the cited portion and are unaware of any teaching or suggestion elsewhere in Fraser of identifying a set of specific wholesale lenders who meet specified criteria. Rather, Fraser discloses a process where a lender bids on a loan application – in other words, the lender reviews a loan profile and bids on it. The borrower then selects from amongst the bids. Applying selection criteria to (borrower originated) loan profiles is quite different than applying selection criteria to (lender originated) mortgage lender profiles. As such, Applicants respectfully submit that Applicants have found no suggestion – and Examiner has identified no disclosure – in Fraser to apply a generic mortgage lender profile (because Fraser does not disclose this element) to data entered by a broker in order to identify specific wholesale lenders. Rather, Fraser approaches the flow of information between lenders and brokers from the other direction – wherein loan applications (not lender profiles) are evaluated and selected.

Finally, claim 1 recites “exposing the broker to a specific mortgage lender profile” in response to “selection by the broker” of a specific wholesale lender. Examiner has asserted that col. 15, lines 25 – 30 and Figure 2 of Fraser disclose this element. Applicants respectfully respond that the cited portions of Fraser do not, in fact, teach or suggest the claim element. Rather, Fraser discloses the lender selecting a loan application. Such a system is not the same as (in fact it is contrary to) a broker selecting a wholesale lender. As such, Fraser fails to teach or suggest the recited claim element of “exposing to the broker a specific mortgage lender profile” in response to “selection by the broker” of one “specific wholesale lender.”

While Applicants recognize that Fraser teaches one manner in which information can be exchanged between a borrower, a lender, and a mortgage broker, a careful review of the reference reveals that the method and system of Fraser approaches the information exchange in a very different manner than that disclosed and claimed by Applicants. Fraser discloses a system in

which lenders select from amongst several loan applications. Fraser fails to disclose a system in which generic mortgage lender profiles are provided to a broker and are applied to data input by the broker to identify a specific lender. Furthermore, Fraser's system does not teach or suggest providing a particular lender profile in response to the broker's selection process.

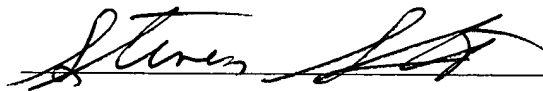
Applicants respectfully submit that claim 1 is allowable and request reconsideration and withdrawal of the rejection of claim 1.

Claims 2 through 6 were rejected as being unpatentable over Fraser in view of United States Patent No. 6,438,526 issued to Dykes et al. ("Dykes"). Applicants respectfully traverse this rejection for the reasons provided above with regard to claim 1 upon which claims 2 through 6 depend. Furthermore, the combination of Dykes with Fraser fails to overcome the numerous deficiencies discussed above with regard to Fraser. As such, claims 2 – 6 are allowable over the cited combination of references.

Applicants respectfully request a prompt indication of allowance of claims 1 – 6. Examiner is invited to contact the undersigned to discuss any matters that will expedite the review and allowance of the present application.

Respectfully submitted,

7 May 2003
Date


Steven H. Slater
Attorney for Applicants
Reg. No. 35,361

SLATER & MATSIL, L.L.P.
17950 Preston Rd.
Suite 1000
Dallas, Texas 75252
Tel. 972-732-1001
Fax: 972-732-9218